



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,747	12/17/2001	Kazuro Yamada	35.C16084	2847

5514 7590 10/04/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

DIVINE, LUCAS

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,747

Applicant(s)

YAMADA, KAZURO

Examiner

Lucas Divine

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/26/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Drawings***

1. The drawings are objected to because Fig. 4 shows 5C and 8KS, while the spec has 5L and 8CK. Consistent reference indications are required. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 – 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitation "when the recording medium" in page 21 line 2. There is insufficient antecedent basis for this limitation in the claim. It is unclear and indefinite whether the recording medium referred to is the preceding recording medium, the succeeding recording medium, any recording medium, all recording mediums, or some other type of recording medium not mentioned. Clear, definite language is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamagaki et al. (US 6040924).

Art Unit: 2624

Regarding claim 1, Tamagaki teaches an **image processing apparatus** (Fig. 1 shows the apparatus that the elements of preceding figures are all part of – *specifically of the third embodiment starting with Fig. 17 and col. 14*) **for forming a visible image on a recording medium conveyed by conveying means** (photocopier and conveying means shown in Fig. 1 – rollers, belts, etc.), **by a plurality of color component image forming means corresponding to a plurality of color components including at least black respectively** (Pa, Pb, Pc, Pd and their description), **having:**

signal outputting means (CPU 34, Figs. 2, 3 etc.) **for outputting a timing signal for instructing to start a formation of a first color component image** (signals S154, S158, S162, S166 shown in step form of Fig. 20 [as CPU steps] and in graphical form in Fig. 21 – the first color image component is the first one that has data for the page, so in monochrome, the K would be the first [due to No, No, No decided in Fig. 20], if Y, then Y first, etc.. because Y is the first recording unit that the conveying means transfers under) **differing depending on image forming modes** (image forming modes differ based on colors decided by decision steps of S151, S155, etc., wherein if there is Y data, Y forming mode is entered in [steps S152-154]);

wherein when a monochromatic image is to be formed on a preceding recording medium and a color image is to be formed on a succeeding recording medium, said signal outputting means outputs said timing signal corresponding to said succeeding recording medium earlier than said timing signal corresponding to said preceding recording medium (shown in Fig. 21, when the page 1 only has black data, the yellow of page 2 is already started before the formation of an image on the first

Art Unit: 2624

page begins, therefore the formation of page 2 starts [receives signal S154] before page 1 starts [receives signal S166]).

Regarding claim 7, the structural elements of apparatus claim 1 perform all of the method steps of method claim 7. Therefore claim 7 is rejected for the same reasons as set forth in the rejection of claim 1 above.

Regarding claim 5, which depends from claim 1, Tamagaki teaches **signal outputting means outputs a mode signal indicative of an image forming mode corresponding to said timing signal** (S152, S156, S160, and S164 are mode signals that indicate to the hard drive which mode [and subsequent type of data] the device CPU is currently operating with, the corresponding mode signal sent before its corresponding timing signal – S152 corresponds to S154 etc.).

Regarding claim 6, which depends from claim 1, Tamagaki teaches **data outputting means** (image data output portion 32, Fig. 3) **for outputting, in synchronism with said timing signal** (e.g. Y-laser writing S154 includes all laser writing steps including starting the writing and sending the data for the actual formation), **image data corresponding to respective ones of said color component image forming means in a predetermined order** (predetermined order shown in Fig. 20 – Y, M, C, K), **or image data corresponding to said black component image forming means** (sends data of any of the 4, including black depending on mode).

Conclusion

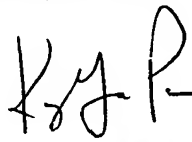
Art Unit: 2624

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto et al. (US 6192207) teaches image forming apparatus provided with a plurality of image holding components, see specifically timing figures and discussions as well as mode signals of Fig. 15.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KING Y. POON
PRIMARY EXAMINER

Lucas Divine
Examiner
Art Unit 2624

ljd